

NOTICE OF OBJECTION TO CONFIRMATION

SANTANDER BANK, N.A. has filed papers with the Court to object to the Confirmation of the Chapter 13 Modified Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Modified Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103

ALBERT RUSSO, Trustee  
CN 4853, SUITE 101  
TRENTON, NJ 08650

2. Attend the hearing scheduled to be held on 07/03/2019 in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: April 24, 2019

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

**File No. 824311**

Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard  
Philadelphia, PA 19103  
856-813-5500  
FAX Number 856-813-5501  
SANTANDER BANK, N.A.

In Re:  
KENNETH MCCARTHY  
  
Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

Chapter 13

Case No. 19-13315 - CMG

Hearing Date: 07/03/2019

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, SANTANDER BANK, N.A., the holder of a Mortgage on Debtor's residence located at 80 CLIFFEDGE WAY, RED BANK, NJ 07701 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Modified Plan on the following grounds:

1. Secured Creditor is SANTANDER BANK, N.A..
2. Debtor, KENNETH MCCARTHY is the owner of the property located at 80 CLIFFEDGE WAY, RED BANK, NJ 07701.
3. On April 19, 2019, Secured Creditor filed a Proof of Claim listing pre-petition arrears in the amount of \$313.01.
4. Debtor's Modified Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Modified Plan fails to list Secured Creditor as a secured creditor and does not provide for payment of on-going, post-petition, mortgage payments to Secured Creditor.
6. Secured Creditor objects to Debtor's Modified Plan as it is should be amended to clearly state that Movant's mortgage lien will be paid according to the mortgage loan, note terms and conditions. Debtor's Modified Plan should be further amended

to fully fund arrears owed to Secured Creditor, as well as provide for on-going, post-petition, regular monthly mortgage payments to Secured Creditor.

7. Based on the foregoing, confirmation of Debtor's proposed Modified Plan should be denied.

WHEREFORE, SANTANDER BANK, N.A. respectfully requests that the Confirmation of Debtor's Modified Plan be denied.

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

Dated: April 24, 2019

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>	
824311 Phelan Hallinan Diamond & Jones, PC 1617 JFK Boulevard, Suite 1400 Philadelphia, PA 19103 856-813-5500 Attorneys for SANTANDER BANK, N.A.	
In Re:	Case No: 19-13315 - CMG
Kenneth McCarthy	Hearing Date: 07/03/2019
	Judge: CHRISTINE M. GRAVELLE
	Chapter: 13

### **CERTIFICATION OF SERVICE**

1. I, Jason Seidman:

represent the \_\_\_\_\_ in the above-captioned matter.

am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents SANTANDER BANK, N.A. in the above captioned matter.

am the \_\_\_\_\_ in the above case and am representing myself.

2. On April 24, 2019 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Modified Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 24, 2019

/s/ Jason Seidman  
Jason Seidman

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Kenneth McCarthy 80 Cliffedge Way Red Bank, NJ 07701	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Jeanne McCarthy 80 Cliffedge Way Red Bank, NJ 07701	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Robert B. Davis, Esquire 3 Main Street Newark, NJ 07105	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo, Trustee CN 4853 Suite 101 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail

		<input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.